

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STACEY CARTER,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO: H-15-0607
	§	
WILLIAM STEPHENS,	§	
Director of the Texas Department	§	
of Criminal Justice - Correctional	§	
Institutions Division,	§	
Respondent.	§	

MEMORANDUM AND RECOMMENDATION AND ORDER

Stacey Carter's petition for writ of habeas corpus pursuant to 28 U.S.C. §§ 2241 and 2254 has been referred to this magistrate judge for a report and recommendation (Dkt. 5). Respondent filed a motion to dismiss for lack of jurisdiction (Dkt. 9), and on July 22, 2015 the court recommended this case be transferred to the United States District Court for the Eastern District of Texas (Dkt. 12). On July 23, 2015, petitioner moved for voluntary dismissal of this action, representing that he filed a petition for writ of habeas corpus that is pending as case number 9:15-cv-102 in the Lufkin Division of the United States District Court for the Eastern District of Texas (Dkt. 11).

It is therefore ordered that the court's memorandum and recommendation (Dkt. 12) is vacated. It is further recommended that respondent's motion to dismiss (Dkt. 9) and petitioner's motion to dismiss (Dkt. 11) be granted.

The parties have 14 days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* Rule 8(b) of the Rules

Governing Section 2254 Cases; 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72.

Signed at Houston, Texas on August 31, 2015.



Stephen Wm Smith
United States Magistrate Judge